

MODEL CONSTITUTION FOR COMMUNITY COUNCILS

1 Name

- 1.1 The name of the COMMUNITY COUNCIL shall be (referred to as “the COMMUNITY COUNCIL” in this document).

2 Area of the Community Council

- 2.1 The area of the COMMUNITY COUNCIL shall be as shown on the map attached to the East Renfrewshire Council Scheme for the Establishment of Community Councils (amended 2015) (the “Scheme”).

3 Objectives

- 3.1 The objectives of the COMMUNITY COUNCIL shall be:
- 3.1.1 to ascertain, co-ordinate and reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions and outlooks of the people;
 - 3.1.2 to express the views of the community to East Renfrewshire Council and to other public authorities and organisations;
 - 3.1.3 to take such action in the interests of the community as appears to it to be desirable and practicable;
 - 3.1.4 to promote the well-being of the community and to foster community spirit;
 - 3.1.5 to be a means whereby the people of the area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.

4 Role and Responsibilities

- 4.1 In the discharge of their functions and the conduct of their business, the COMMUNITY COUNCIL and its membership shall have regard to their role and responsibilities as set out in section 3 of the Scheme, the terms of this Constitution and the Code of Conduct for Community Council Members.
- 4.2 Members of the COMMUNITY COUNCIL shall comply with and abide by their obligations under the Scheme, this Constitution and the Code of Conduct for Community Council Members, and their compliance shall be enforced via the procedure set out at section 12 of the Scheme.

5 Membership

- 5.1 The COMMUNITY COUNCIL’S membership is as governed by section 5 of the Scheme and as determined from time to time by East Renfrewshire Council.

6 Method of Election

- 6.1 Election procedures shall be governed by the method of election laid down in section 6 of the Scheme.

7 Vacancies on the Community Council

- 7.1 Where a vacancy arises, the COMMUNITY COUNCIL may:-

7.1.1 fill the vacancy by co-option, as long as that would not result in the number of co-opted members equalling or exceeding the total number of elected members of the COMMUNITY COUNCIL, in accordance with clause 8.2.4 of the Scheme; or

7.1.2 leave the vacancy unfilled until the next election.

- 7.2 Should circumstances arise that lead to the number of elected community council members falling below HALF of the total maximum number of seats on that community council, East Renfrewshire Council shall be informed and shall arrange for an interim election to be held in respect of all vacant seats, following the procedure set out in section 6 as modified so as to be only in respect of those seats.

8 Voting Rights of Members of the Community Council

- 8.1 The right to vote at any meeting of the COMMUNITY COUNCIL or any committee thereof, shall be held by all COMMUNITY COUNCIL MEMBERS whether elected or co-opted (subject to clause 6.5.1.4 of the Scheme), but not by Associate Members appointed for specific issues on a temporary basis, or *ex-officio* members. With the exception of circumstances which may arise under sections 16 and 17 of this constitution, all decisions of the COMMUNITY COUNCIL will be decided by a simple majority of those eligible to vote and present and voting.

- 8.2 In the event of a vote of the members of the COMMUNITY COUNCIL resulting in a tie, the Chair shall have a casting vote.

9 Election of Office-Bearers

- 9.1 At the first meeting of the COMMUNITY COUNCIL after an election, and at the Annual General Meeting in April each year, the COMMUNITY COUNCIL shall appoint a Chair, Secretary, Treasurer and other such office-bearers as it shall from time to time decide.

- 9.2 All office-bearers shall be elected for one year terms, other than at the first meeting of the COMMUNITY COUNCIL after an election, when they shall be elected to serve until the first AGM, and at the AGM prior to an election when they shall be elected to serve until the dissolution of the COMMUNITY COUNCIL in advance of that election. Subject to clause 9.3, office-bearers shall be eligible for re-election without limitation of time.

9.3 A member may not be appointed as Chair more than twice during a term of the COMMUNITY COUNCIL, nor be re-appointed other than at the first AGM following an election, or at the AGM prior to an election. Without the express approval of East Renfrewshire Council, no one member shall hold more than one of the following offices at any one time: Chair, Secretary and Treasurer.

9.4 Office bearers may be removed and a replacement approved at any meeting of the COMMUNITY COUNCIL by a simple majority vote of the members present and voting.

10 Committees of the Community Council

10.1 The COMMUNITY COUNCIL may establish and appoint representatives to committees of the COMMUNITY COUNCIL and shall determine their composition, terms of reference, duration, duties and powers.

11 Meetings of the Community Council

11.1 The quorum for COMMUNITY COUNCIL meetings shall be one third of the current eligible voting membership.

11.2 In April or May each year the COMMUNITY COUNCIL shall convene an annual general meeting for the purpose of receiving and considering the Chair's annual report on the COMMUNITY COUNCIL, the submission and approval of the independently examined annual statement of accounts, the appointment of office bearers and the appointment of an independent examiner of the COMMUNITY COUNCIL's accounts.

11.3 Including the annual general meeting, the COMMUNITY COUNCIL shall meet not less than 7 times throughout the year.

11.4 Dates, times and venues of regular meetings of the COMMUNITY COUNCIL shall be fixed at the first meeting of the COMMUNITY COUNCIL following an ordinary election and thereafter at its annual general meeting. A special meeting of the COMMUNITY COUNCIL may be called at any time by decision of the COMMUNITY COUNCIL. A special meeting shall also be called by the Secretary on being required to do so by the Chair, on receiving a written request specifying the business to be transacted at the meeting and signed by at least one half of the total number of COMMUNITY COUNCIL members, or on receiving a common written request (petition) signed by at least 20 persons resident within the COMMUNITY COUNCIL area. Public notice of special meetings shall be given (including notice being published online) at least 10 days prior to the date of the meeting. An officer of East Renfrewshire Council may call a special meeting of the COMMUNITY COUNCIL at any time.

11.5 The agenda for each meeting shall be posted in public places such as libraries and notice boards, and online, not later than 5 days in advance of the relevant meeting.

- 11.6 The COMMUNITY COUNCIL shall, not later than 5 days before any meeting, circulate the agenda for that meeting and the draft minutes of the previous meeting to community council members, the Council, relevant elected members and other parties having an interest in the matters discussed.
- 11.7 The COMMUNITY COUNCIL shall provide the approved minutes of community council and any committee meetings to the Liaison Officer appointed by East Renfrewshire Council under clause 10.1 of the Scheme within 14 days of their approval, and circulate them to community council members, relevant elected members and other parties having an interest in the matters discussed.
- 11.8 The COMMUNITY COUNCIL shall abide by its Standing Orders for the proper conduct of its meetings.
- 11.9 The COMMUNITY COUNCIL has a duty to be responsive to the community it represents. Should the COMMUNITY COUNCIL receive a written request (petition), signed by at least 20 persons resident within the COMMUNITY COUNCIL area, to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting within 14 days of receipt of such a request and advertise it in accordance with the provisions of this constitution for special meetings called by the COMMUNITY COUNCIL.

12 Public Participation in the Work of the Community Council

- 12.1 All meetings of the COMMUNITY COUNCIL and its committees shall be open to members of the public. Proper provision is to be made for the accommodation of members of the public and the opportunity should be afforded at each meeting to permit members of the public to address the COMMUNITY COUNCIL, under the guidance of the Chair.
- 12.2 Notices calling meetings of the COMMUNITY COUNCIL and its committees shall be posted prominently within the COMMUNITY COUNCIL area for a minimum period of ten days before the date of any such meeting, and, where possible, be advertised by other suitable means.

13 Information to East Renfrewshire Council

- 13.1 East Renfrewshire Council's Liaison Officer shall be sent an annual calendar of the COMMUNITY COUNCIL'S prescribed meeting dates, times and venues (which should be agreed at the COMMUNITY COUNCIL'S annual general meeting), minutes of all meetings (including draft minutes), the annual report, the annual financial statement and any other such suitable information, as may from time to time be agreed between the COMMUNITY COUNCIL and East Renfrewshire Council. When special meetings of the COMMUNITY COUNCIL are to be held, East Renfrewshire Council's Liaison Officer should be advised of the date, time, venue and subject(s) of debate of such meetings, at least 10 days in advance of the meeting date.

14 Control of Finance

- 14.1 All monies raised by or on behalf of the COMMUNITY COUNCIL or received from East Renfrewshire Council or other sources shall be applied to further the objectives of the

COMMUNITY COUNCIL and for no other purpose. The monies provided by East Renfrewshire Council in the annual administrative allowance for administrative and other approved purposes shall be used only as prescribed. Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the COMMUNITY COUNCIL), or in the absence of such terms, for the furtherance of the objectives of the COMMUNITY COUNCIL.

- 14.2 The Treasurer shall undertake to keep proper accounts of the finances of the COMMUNITY COUNCIL.
- 14.3 Any two of three authorised signatories, who would normally be office-bearers of the COMMUNITY COUNCIL, may sign cheques on behalf of the COMMUNITY COUNCIL. Authorised signatories may not be co-habitees or be related in any way or have any business relationship with each other.
- 14.4 A statement of accounts for the preceding financial year shall be prepared by the Treasurer and independently examined by an independent examiner appointed by the COMMUNITY COUNCIL, who must not be members of the COMMUNITY COUNCIL, and shall be submitted to an annual general meeting of the COMMUNITY COUNCIL and made available for inspection at a convenient location.
- 14.5 The financial year of the COMMUNITY COUNCIL shall be from April to March. Examined accounts as received and approved by the COMMUNITY COUNCIL at the annual general meeting shall be submitted to East Renfrewshire Council following approval at the COMMUNITY COUNCIL's annual general meeting.

15 Title to Property

- 15.1 Property and other assets belonging to the COMMUNITY COUNCIL shall be vested in the Chair, Secretary and Treasurer of the COMMUNITY COUNCIL and their successors in these respective offices.

16 Alterations to the Constitution

- 16.1 Any proposal by the COMMUNITY COUNCIL to alter this Constitution must first be considered by a meeting of the COMMUNITY COUNCIL. The terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be issued to all members not less than ten days prior to the meeting. Any proposed alterations may not contradict, prejudice or undermine the terms and objectives contained within the Scheme and must not negatively impact on the transparency and accountability of the COMMUNITY COUNCIL.
- 16.2 If the proposal is supported by two-thirds of the total voting membership of the COMMUNITY COUNCIL, and is approved in writing by East Renfrewshire Council, the alteration shall be deemed to have been duly authorised and shall come into effect as of the date of East Renfrewshire Council's approval.

17 Dissolution

17.1 If the COMMUNITY COUNCIL by a two-thirds majority of the total voting membership decides at any time that it is necessary or advisable to dissolve, it shall propose a resolution to dissolve and shall agree a date for a public meeting to be held to discuss the proposed resolution. It is a requirement that not less than ten days prior to the date of such meeting a public notice of the proposed resolution shall be given within the area of the COMMUNITY COUNCIL. If the resolution is approved by a simple majority of those members present and voting, the COMMUNITY COUNCIL must notify East Renfrewshire Council no later than the next business day following the decision to approve the resolution to dissolve. The COMMUNITY COUNCIL shall be deemed to be dissolved as of the date on which East Renfrewshire Council confirms receipt of that notification. All assets remaining after the satisfaction of any and all proper debts or liabilities shall, subject to the approval of East Renfrewshire Council, transfer to East Renfrewshire Council who shall hold the same in Trust for a future community council representing that area.

18 Adoption of the Constitution

This Constitution was adopted by
COMMUNITY COUNCIL, on

..... Signed: Chair
..... Member
..... Member
..... Date

